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# Supreme Court of the United States

OCTOBER TERM, 1953

**No. 492**

J. MINOR SULLIVAN, III,

*Petitioner,*

*vs.*

STATE OF NEW JERSEY,

*Respondent.*

## REPLY BRIEF OF PETITIONER

**Petition for Writ of Certiorari to the Supreme Court of the State of New Jersey**

HARRY A. WALSH,
*Counsel for Petitioner.*

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In *National Surety Co.* v. *Jarvis,* 278 U. S. 610 (1928) the Court said:

> "We must insist that arguments in this Court either oral or written, though often properly in sharp controversy, shall be gracious and respectful to both the Court and opposing counsel, and be in such words as may be properly addressed by one gentleman to another."

Surely, the principle must extend the more so to the petitioner, a litigant, and who stands accused of a high misdemeanor against the State of New Jersey.

The petitioner submits that the Counter-Statement of Facts filed by the respondent should be disregarded (R b3).

Some of the language used must have been calculated to prejudice.

A greater part of the statement is irrelevant. The issue here is whether or not the indictment on its face states an offense against the State. The Court will look only within its four corners and not to matters outside.

Finally, the statements are not factual but misleading and unsupported in the record. The petitioner begs leave to point particularly to the following excerpt from the statement as unwarranted (R b4):

> "The State contends that the record of Sullivan's testimony in the second murder trial conclusively discloses Sullivan's willful perjury and much of this testimony is specifically set forth in the indictment. On the trial for perjury it is the intention of the State, with other evidence, to use the entire record of Sullivan's testimony in both trials to substantiate the charge of willful and corrupt perjury committed by Sullivan."

Respectfully submitted,

HARRY A. WALSH,
*Counsel for Petitioner.*